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Arb.O.P(Com.Div.) No.528 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

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IIT Madras Research Park,
Represented by its Authorised Signatory
Raji Soni,
01 Fa, First Floor,
IIT Madras Research Park,
Kanagam Road, Taramani,
Chennai – 600 113.

... Petitioner

Vs.

International Centre For Clean Water,
A Registered Society
Through its Secretary/Authorised Officer,
2nd Floor, B-Block, IIT Madras Research Park,
Kanagam Road, Taramani,
Chennai, India – 600 113.

... Respondent

Prayer: Original Petition is filed under Section 11(5) of the Arbitration and Conciliation Act, 1996, to appoint a Sole Arbitrator in terms of Clause 21 of the Leave and License Agreements dated 14.11.2022 for the purposes of adjudicating upon the disputes that have arisen between the petitioner and the respondent thereunder and Award costs of the present proceeding.



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For Petitioner : Mr.P.Aravind

For Respondent : Mr.Jeyaram.T.

ORDER

The learned counsel for the petitioners is present.

2. The learned counsel for the respondent submits that he has no objection for appointing an Arbitrator.

3. Recording the above, this Original Petition is allowed by appointing **Hon'ble Mr.Justice P.N.Prakash (Retd.), Former Judge of Madras High Court residing at Lalithalaya, 32, First Cross Street, Kilpauk Garden Colony, Chennai – 600 010 (Mobile No.94443 95654)** as the Sole Arbitrator to enter upon reference to adjudicate/resolve the *inter se* dispute between the parties.

4. The learned Arbitrator appointed herein, shall after issuing notice to the parties and upon hearing them, endeavour to complete the arbitral proceedings and pass an award strictly in accordance with the provisions of the Arbitration and Conciliation Act, 1996, as expeditiously as possible,



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preferably within a period of twelve months after the date of completion of pleadings under Sub-Section 4 to Section 23 as is contemplated in Section 29A of the Arbitration and Conciliation Act, 1996, without getting influenced by any of the observations made by this Court in this order.

5. The learned Arbitrator appointed herein shall be paid fees and other incidental charges as may be fixed with the consent of parties or in accordance with the provisions of the Arbitration and Conciliation Act, 1996, and the same shall be borne by the parties equally. In case, the respondent remains *ex parte*, the petitioner shall pay the entire fee and other incidental charges to the Arbitrator and later recover the same from the respondent.

6. This Original Petition is allowed accordingly, leaving the parties to bear their own costs.

7. Since this Court has appointed the Arbitrator, it is open to the petitioner as well as the respondent to seek other reliefs under Section 17

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of the Arbitration and Conciliation Act, 1996, before the learned Arbitrator.

8. All the rights that are available to the respondent are preserved and may be raised before the learned Arbitrator.

27.02.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No

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